

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner and his supervisor for the careful consideration given the present application, and for the personal interview conducted on June 16, 2005, with the Examiner and his supervisor. The application has been carefully reviewed in light of the interview, and amended as necessary to more clearly and particularly describe and claim the subject matter, which applicants regard as the invention.

At the personal interview, applicant's representative agreed to file a supplemental amendment as soon as possible, and the Examiner and his supervisor agreed to examine the amended claims as long as they were received in time. Accordingly, applicant requests that the Examiner enter the amended claims in this supplemental amendment for examination prior to the issuance of the next Office action.

Claims 1–23 have been canceled. Claims 24–45 have been added based upon the canceled claims and the material in the specification.

Applicant notes that at the personal interview, the Sugahara *et al.* (U.S. 6,567,554 or U.S. 2003/0154687) reference was discussed in detail. In particular, the Examiner's supervisor noted that one of the features of the invention that appear to differentiate the application from the prior art is the fact that the invention can input moving picture data having an arbitrary frame rate, and outputs coded data based at least somewhat upon that frame rate. Accordingly, new claims 24–40 all recite elements similar to the steps of "determining the input frame rate of the inputted moving picture data" and some claims have additional limitations based on this concept. Because the prior art assumes that the input frame rate is already known, none of these references teach such a step. Furthermore, many of the claims have

been amended to include more detail about the relationships between the various rate settings and targets in a manner clearly not taught by the prior art.

Similarly, new claim 41 recites the step of "determining a reference coding frame rate using the input frame rate of inputted moving picture data" which is also not found in the references.

We note that the Examiner had previously rejected claim 3, which recites measuring the frame rate of input data, based on paragraphs [0014] and [0015] of Sugahara. However, a close reading of these paragraphs does not show any teaching of determining the frame rate of input data, and certainly does not show any use of a determined frame rate in determining any target frame rates. Thus, the reference does not anticipate the new claims.

Also at the personal interview, the Examiner's supervisor requested a template mapping the various elements taught by the prior art to the claim limitations. However, because the claims now recite limitations directed toward the input frame rate that are not taught by the reference, and because this was discussed at the personal interview, applicant believes that such a mapping at this time is either unnecessary or premature. Thus, such a mapping has not been provided.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34168.

Respectfully submitted,
PEARNE & GORDON, LLP

By: 
Robert F. Bodi – Reg. No. 48,540

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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